SUE ANN SALMON EVANS, State Bar No. 151562
sevans@mbdlaw.com
AMY R. LEVINE, State Bar No. 160743
alevine@mbdlaw.com
SARAH L. W. SUTHERLAND, State Bar No. 239889
ssutherland@mbdlaw.com
MILLER BROWN & DANNIS
750 B Street, Suite 2310
San Diego, CA 92101
Telephone: (619) 595-0202
Facsimile: (619) 702-6202

Attorneys for Defendant
SAN DIEGO UNIFIED SCHOOL DISTRICT

MILLER BROWN & DANNIS
SYMPHONY TOWERS
750 B STREET, SUITE 2310
SAN DIEGO, CA 92101

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

T.B., Allison Brenneise and Robert Brenneise, Plaintiffs, v. SAN DIEGO UNIFIED SCHOOL DISTRICT, Defendant.	Case No. 08 CV 0028 WQH WMc (Consolidated with 08 CV 00039 WQH WMc) **DECLARATION JUDY CIAS IN SUPPORT OF SAN DIEGO UNIFIED SCHOOL DISTRICT'S MOTION FOR CERTIFICATION TO THE NINTH CIRCUIT OF THE COURT'S ORDER DENYING ITS MOTION TO DISMISS PLAINTIFFS' FOURTH CLAIM FOR RELIEF**
SAN DIEGO UNIFIED SCHOOL DISTRICT, Plaintiff, v. T.B., a minor, Allison Brenneise and Robert Brenneise, his parents, Steven Wyner, and Wyner and Tiffany, Defendants.	

I, JUDY CIAS, declare:

1. I have personal knowledge of the facts stated below, and if called upon as a

witness I could and would testify competently to the matters stated herein.

2. I am an Assistant General Counsel for the California School Boards Association's ("CSBA") Education Legal Alliance. CSBA's Education Legal Alliance initiates and supports litigation in cases of statewide significance to all California school districts. As part of my duties as Assistant General Counsel, I respond to requests for litigation assistance from school districts and keep abreast of legal developments facing districts in all areas of the law, including special education. I also track significant litigation of which I am aware involving school districts.

3. A parent or guardian's entitlement to seek attorneys' fees, pursuant to Section 1415(i) of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq. ("IDEA"), incurred in the pursuit of a successful, or partially successful, compliance complaint with the California Department of Education ("CDE") is currently unclear.

4. Responding to compliance complaints is costly for school districts, and the potential for attorneys' fees makes it even more so. According to the State of California Annual Performance Report for Federal Fiscal Year 2006 (2006-2007) for the Individuals with Disabilities Education Act of 2004, a true and correct excerpt of which is attached hereto as Exhibit A, there were 816 findings of non-compliance by the CDE against school districts for that school year.

5. I therefore believe that resolution of the question of whether fees are available for the filing of such complaints is an important issue facing school districts throughout the State of California, and that changes in the IDEA as well as case law developments support the San Diego Unified School District's position that the IDEA does not provide for fee shifting in this circumstance.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 10 day of July, 2008, at West Sacramento California.

[signature]

JUDY CIAS

MILLER BROWN & DANNIS
SYMPHONY TOWERS
750 B STREET, SUITE 2310
SAN DIEGO, CA 92101